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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/841,205	04/24/2001	William L. Steinmetz	Y2K.0110	5850

24290 7590 09/17/2004

BRIAN D. SMITH, P.C.  
1125 SEVENTEENTH STREET  
SUITE 600  
DENVER, CO 80202

EXAMINER

BALSIS, SHAY L

ART UNIT	PAPER NUMBER
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1744

DATE MAILED: 09/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/841,205		STEINMETZ ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Shay L Balsis		1744	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 August 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 23-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 23-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

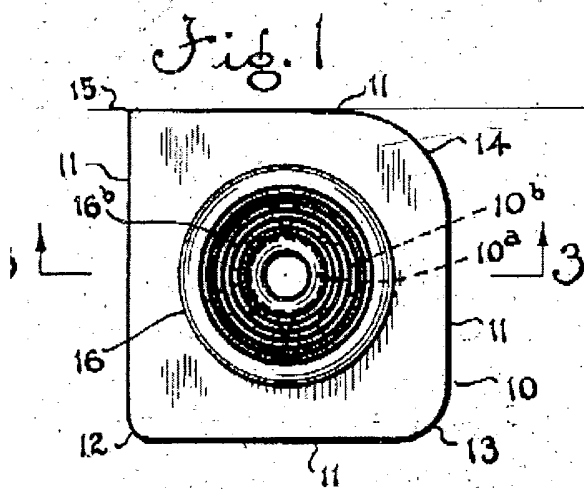
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 23-24, 28-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Lower (USPN 2380855).

Lower teaches a ticket scraping device comprising a housing (16) having a gripping area and a scraping edge (10) protruding from the housing wherein the scraping edge has a straight edge portion (11) the extends continuously into an arcuate scraping edge portion (14). The straight scraping edge portion protrudes from the housing so that an imaginary line drawn through the edge of the straight scraping portion extends beyond the housing (see figure below). The gripping area is selected from the group consisting of a flat shape, a concave shape and a convex shape. The gripping area includes a series of flutes to increase gripping capabilities. The housing and the scraping edge are integral with each other. The scraping device is molded as a single unit. There is an aperture for receiving a key ring (16a).

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Imaginary  
line drawn  
through  
straight edge

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lower.

Lower teaches all the essential elements of the claimed invention however, fails to disclose expressly that the shape of the housing is generally triangular with an obtuse angle. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have the shape be triangular with an obtuse angle because Applicant has not disclosed that the shape provides an advantage, is used for a particular purpose or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the shape as taught by Lower or the claimed triangular shape because both

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shapes allow the user to easily hold the scraper in their hand. Therefore, it would have been obvious to one of ordinary skill in the art to modify Lower to obtain the invention as specified in claims 25 and 26.

5. Claims 27, 33-38 are rejected under 35 U.S.C. 103(a) as being unpatentable Lower in view of Bonforte (USPN 4302878).

Lower teaches the essential elements of the claimed invention however, the reference fails to teach a scraping edge comprising glass fibers. Bonforte teaches a self-sharpening cutting blade that comprises glass fibers (col. 2, lines 8-69). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Bonforte self-sharpening cutting blade as the scraping edge used in Lower so that the blade will have a longer lifetime and so that it will always have a sharp edge.

With regards to claim 33-38 and the shape being triangular with an obtuse angle, the rejection for Lower stands as stated above in the claim 25 rejection, paragraph 4, as a design choice.

6. Claims 27, 33-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lower in view of Charvat (USPN 3529945).

Lower teaches all the essential elements of the claimed invention as recited in the above rejections however, the reference fails to teach a scraping edge comprising glass fibers. Charvat teaches an abrading and finishing tool that is made from plastic and has glass fibers embedded within it. It would have been obvious to one of ordinary skill in the art to make the scraper out of plastic with glasses fibers embedded in it because it eliminates the need for extra pressure to be applied to the area to be scraped (col. 1 lines 34-44).

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With regards to claim 33-38 and the shape being triangular with an obtuse angle, the rejection for Lower stands as stated above in the claim 25 rejection, paragraph 4, as a design choice.

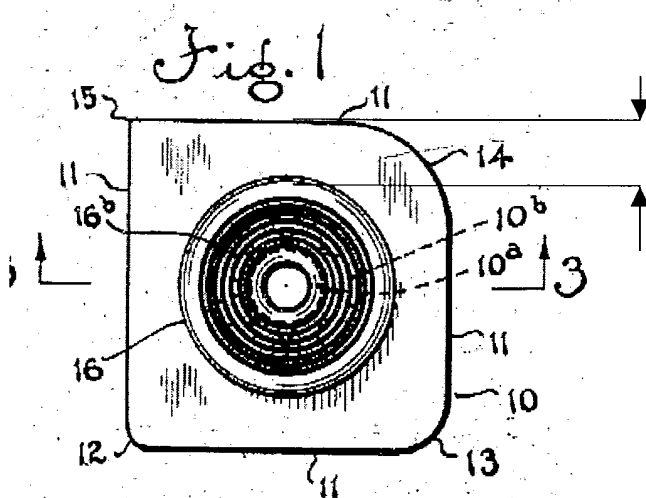
*Applicant's Arguments*

7. a) Lyons and Hodge do not have an imaginary line that extends beyond the housing.  
b) Lower does not disclose a scraping edge that protrudes from the housing.

*Response to Arguments*

8. a) Applicant's arguments, page 6, filed 8/2/04, with respect to Lyons and Hodge have been fully considered and are persuasive. The rejections of Lyons and Hodge have been withdrawn.

b) Applicant's arguments filed 8/2/04 have been fully considered but the arguments with respect to Lower are not persuasive. Lower does teach a scraping edge (11) that protrudes from the housing (16). The scraping edge juts out beyond the surrounding surface of the housing on all sides of the housing.



Space between housing and scraping edge shows that the scraping edge is protruding from the housing.

***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

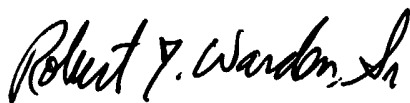
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shay L Balsis whose telephone number is 571-272-1268. The examiner can normally be reached on 7:30-5:00 M-Th, alternating F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Warden can be reached on 571-272-1281. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Slb  
9/7/04



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